

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

motorcycle hollow body shell to illuminate the front and side
ground area adjacent the motorcycle.

REMARKS

This Amendment is responsive to the Office Action dated October 23, 2002. In that Action, the Examiner objected to the previous amendment under 35 U.S.C. §132. Claims 17-26, 28, 29, 32 and 33 were objected to. Claim 24 was rejected under 35 U.S.C. §112, first paragraph and Claims 26 and 28 were rejected under 35 U.S.C. §112, second paragraph. Claim 27 was rejected under 35 U.S.C. §102(b) as being anticipated by Friedrich. Applicant respectfully traverses the Examiner's rejections and objections.

Claims 17-23, 25, 29, 32 and 33 were indicated to obtain allowable subject matter if rewritten to overcome the Examiner's objections. Claims 26 and 28 were indicated to contain allowable subject matter if rewritten or amended to overcome the Section 112, second paragraph rejection. Claim 31 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim.

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Claims 1-16 and 30 were allowed.

The specification has been amended to overcome the Examiner's Section 132 objection. Support for specification amendments can be found in the claims and as previously indicated by Applicant in earlier responses.

Claims 24 and 27 have been cancelled without prejudice. Claims 17, 18, 22, 26, 31 and 32 have been amended. No new matter has been inserted. In compliance with 37 C.F.R. §1.173(c), Applicant respectfully states the claims 1-23, 25, 26 and 28-33 remain pending in the application.

The claims have been amended to overcome all objections and Section 112 rejections. Claim 31 has been rewritten into independent form.

Applicant respectfully incorporates by reference its previous comments regarding support for the new claim language.

Claim 24 has been cancelled, without prejudice, to overcome the Section 112, first paragraph rejection. Claim 27 has been cancelled, without prejudice, to overcome the Section 102(b) rejection.

In view of the above, Applicant respectfully requests that

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the Examiner withdraw the current rejections.

Applicant has completely responded to the Office Action dated October 23, 2002.

In order to facilitate prosecution of this application, the Examiner is respectfully requested to contact the undersigned with any comments or suggestions the Examiner may have.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,
Malin, Haley & DiMaggio, P.A.

By 
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I:\8688\AMEND\6808(6thAmend-Entered-RCE)